

DHS Science and Technology Directorate

SAFETY Act for Liability Protection

The SAFETY Act may limit the legal liability of companies that manufacture or sell technologies and services that have anti-terrorism capabilities. The “Safety” in SAFETY Act stands for “Support Anti-Terrorism by Fostering Effective Technologies.” This law was enacted by Congress as a direct result of 9/11 and as part of the Homeland Security Act of 2002 (Title VII, Subtitle G). By capping liability, the law promotes the creation, deployment and use of anti-terrorism technologies. Its ultimate goal is to protect the homeland and save lives.

Two levels of liability protections

1. **Designation** – The seller’s liability for products or services that are deemed “Designated Technologies” is limited to the amount of liability insurance that the Department of Homeland Security determines the seller must maintain. A Developmental Testing & Evaluation Designation may also be obtained for promising anti-terrorism technologies that are undergoing testing and evaluation.
2. **Certification** – In addition to the benefits provided under Designation, Certification allows a seller of anti-terrorism technology to assert the Government Contractor Defense for claims arising from acts of terrorism. Technologies that receive Certification will be also placed on DHS’s Approved Products List (APL) for Homeland Security.



TYPICAL ANTI-TERROR PRODUCTS AND SERVICES:

1. Threat and vulnerability assessment services
2. Detection Systems
3. Blast Mitigation Materials
4. Screening Services
5. Sensors and Sensor Integration
6. Threatening Object Detectors
7. Decision Support Software
8. Security Plans / Services
9. Crisis Management Systems
10. Cyber Security Technologies

Criteria for Designation

1. Prior United States Government use or demonstrated substantial utility and effectiveness
2. Availability of the technology for immediate deployment in public and private settings
3. Existence of extraordinarily large or unquantifiable potential third party liability risk exposure to the Seller or other provider of the technology
4. Substantial likelihood that the Technology will not be deployed unless SAFETY Act risk management protections are extended
5. Magnitude of risk exposure to the public if the technology is not deployed
6. Evaluation of scientific studies that can be feasibly conducted in order to assess the capability of the technology to substantially reduce risks of harm
7. Whether the technology is effective in facilitating the defense against acts of terrorism

Criteria for Certification

Designation is a prerequisite for Certification. To receive Certification, a Qualified Anti-terrorism Technology must also be shown to:

1. Perform as intended
2. Conform to the Seller’s specifications
3. Be safe for use as intended

RECENT APPROVALS:

- A technology that can be used to detect and identify select biological threat agents present in liquid samples prepared from powder, air samplers, surfaces, or water matrices
- Technologies designed to harden bridges and tunnels in New York City
- Multi-layered security system deployed at a major venue
- A software security management system for use in protecting critical infrastructure and other homeland security needs



**Homeland
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To learn more about the SAFETY Act, contact the Office of SAFETY Act Implementation at safetyacthelpdesk@dhs.gov
1(866) 788- 9318 www.safetyact.gov